

CONDOMINIUM PUBLIC REPORT

Prepared &
Issued by:

Developer Daiichi-Four Mililani Joint Venture
Address 1221 Kapiolani Blvd., PH-50

Project Name(*): OLALOA - PROJECT III (For sale of units in
Address: Mililani, Mauka, Oahu, Hawaii Buildings 8, 9, 12, 13, 14, 16, 17, 20 & 21)

Registration No. 2964

Effective date: June 3, 1998
Expiration date: October 24, 1998

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports. Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

- _____ PRELIMINARY: The developer may not as yet have created the condominium but has filed with the
(yellow) Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.
- _____ FINAL: The developer has legally created a condominium and has filed complete information
(white) with the Commission.
[] No prior reports have been issued.
[] This report supersedes all prior public reports.
[] This report must be read together with _____
- X _____ THIRD SUPPLEMENTARY: This report updates information contained in the:
(pink) [X] Preliminary Report dated: Effective October 26, 1993
[X] Final Public Report dated: Effective June 24, 1994
[X] Supplementary Public Report dated: Effective July 29, 1994 and September 2, 1994
- And [] Supersedes all prior public reports
[X] Must be read together with Preliminary Public Report Effective October 26, 1993, Final Public Report Effective June 24, 1994, Supplementary Public Report Effective July 29, 1994 and Supplementary Public Report Effective September 2, 1994
- [] This report reactivates the _____
public report(s) which expired on _____

(*)Exactly as named in the Declaration

FORM: RECO-30 286/986/189/1190/892/0197

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

☐ Required and attached to this report

☐ Not Required - Disclosures covered in this report.

Summary of Changes from Earlier Public Reports:

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ No prior reports have been issued by the developer.

☒ Changes made are as follows:

1. **DEVELOPER.** The Developer has relocated its office. Its new address and telephone number are as follows:

Daiichi-Four Mililani Joint Venture
1221 Kapiolani Blvd., PH-50
Honolulu, HI 96814
Telephone No. (808) 591-1177

2. **LAWSUIT.** A lawsuit designated as Civil No. 98-0527-02 has been filed in the Circuit Court of the First Circuit State of Hawaii by the Association of Apartment Owners of Olaloa ("Association") against the Developer as well as its design professionals, construction and manufacturing companies alleging certain defects related to the design and/or construction of certain aspects of the Project. The lawsuit seeks a judgement against the named defendants for unspecified damages. The Developer cannot predict with any certainty the outcome of the lawsuit and is disclosing its existence for the consideration of prospective purchasers. A Copy of the Complaint initiating the lawsuit will be made available to a prospective purchaser upon request. Prospective purchasers should be aware that there may be costs incurred by the Association as a result of the lawsuit and that there is a possibility that the Association may, at one time or another, seek to pass these costs on to the individual owners by assessment or other means. Purchasers should, therefore, consider the significance of the lawsuit in making their decision to purchase a unit in the Project.
3. **PARKING STALLS.** There have been amendments to the Declaration in order to reassign certain parking stalls in the Project. The current parking stall assignments for the remaining unsold units in the Project are set forth in Exhibit "A-1" attached hereto.

2. Limited Common Elements: Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

☐ There are no limited common elements in this project.

☒ The limited common elements and the apartments which use them, as described in the Declaration, are:

☒ described in Exhibit "H".

☐ as follows:

3. Common Interest: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest." It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration, are:

☒ described in Exhibit "A".

☒ as follows: Such common interests are subject to adjustments in any event that the Developer exercises its reserved right to merge any prior projects with Project III. Exhibit "I" describes what the common interest will be upon such mergers taking effect if the Developer proceeds with its current plans.

- E. Encumbrances Against Title: An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit "J" describes the encumbrances against the title contained in the title report dated April 24, 1998 and issued by Title Guaranty Escrow Services, Inc.

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Reports issued by the developer which have been given an effective date by the Hawaii Real Estate Commission.
 - B) Declaration of Condominium Property Regime, as amended.
 - C) Bylaws of the Association of Apartment Owners, as amended.
 - D) House Rules, if any.
 - E) Condominium Map, as amended.
 - F) Escrow Agreement.
 - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
 - H) Other_____

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer and are on file at the Department of Commerce and Consumer Affairs. Reprints of Hawaii's Condominium Property Act (Chapter 514A, HRS) and Hawaii Administrative Rules, Chapter 16-107, are available at the Cashier's Office, Department of Commerce and Consumer Affairs, 1010 Richards Street, 3rd Floor, Honolulu, Hawaii, mailing address: P.O. Box 541, Honolulu, HI 96809, at a nominal cost.

This Public Report is a part of Registration No. 2964 filed with the Real Estate Commission on October 26, 1993.

Reproduction of Report. When reproduced, this report must be on:

☐ YELLOW paper stock ☐ WHITE paper stock ☒ PINK paper stock

- D. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

Daiichi-Four Mililani Joint Venture

Name of Developer

By: 
Duly Authorized Signatory

4/13/98
Date

Nobuo Kuniyuki, President of Kapiolani Capital Corp., a Hawaii
corporation, a General Partner of Daiichi-Four Mililani Joint Venture

Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, City and County of Honolulu
Planning Department, City and County of Honolulu

EXHIBIT "A-1"

<u>APT #</u>	<u>UNDIV %</u>	<u>PARKING STALLS</u>	<u>STORAGE #</u>
8-B	0.31971	122	8-A
8-C	0.33915	116, 97	8-C
8-D	0.2261	112	8-D
8-G	0.31971	113	8-G
8-H	0.33253	118	8-H
8-I	0.31971	119	8-I
8-K	0.2261	110	8-K
8-L	0.35326	120	8-L
9-A	0.31971	131	9-A
9-D	0.2261	134	9-D
9-F	0.31971	SEE BELOW	9-F
9-G	0.31971	150, 126	9-G
9-I	0.31971	137	9-I
9-L	0.33915	128	9-L
9-M	0.31971	130	9-M
9-N	0.33253	129	9-N
13-B	0.31971	160	13-B
13-G	0.31971	155	13-G
13-I	0.31971	163	13-I
13-J	0.33915	158	13-J
13-K	0.2261	369	13-K
14-A	0.31971	177	14-A
14-B	0.31971	176	14-B
14-F	0.31971	171	14-F
14-G	0.31971	170	14-G
14-L	0.33915	168	14-L
16-B	0.31971	185	16-B
16-F	0.31971	397	16-F
16-G	0.31971	398	16-G
16-J	0.33915	188	16-J
16-K	0.2261	399	16-K
17-B	0.31971	203	17-B
20-K	0.2261	231	20-K
21-G	0.31971	227	21-G

The following parking stalls are appurtenant to Apartment 9F: 23, 24, 52, 61, 62, 63, 67, 68, 79, 80, 84, 85, 91, 92, 102, 103, 108, 123, 124, 125, 140, 141, 149, 152, 165, 166, 179, 189, 190, 208, 209, 218, 219, 239, 241, 242, 244, 245, 247, 248, 251, 256, 257, 258, 259, 264, 265, 270, 271, 272, 286, 287, 288, 300, 301, 311, 312, 321, 322, 328, 329, 330, 344, 345, 373, 374, 383, 384, 385, 386, 387, 388, 401, 402, 411, 429, 440, 441, 444, 445, 446, 447, 448, 449 and 457

EXHIBIT "J"

CONDOMINIUM PUBLIC REPORT

OLALOA

ENCUMBRANCES AGAINST TITLE

1. For real estate taxes due and payable, refer to Director of Finance, City and County of Honolulu.

2. Certificate and Authorization dated June 21, 1989, filed in said Office as Document No. 1645132 by and between Castle & Cooke, Inc., a Hawaii corporation, and Mililani Town, Inc., a Hawaii corporation.

3. Unilateral Agreement and Declaration for Conditional Zoning dated September 15, 1989, recorded in said Bureau in Liber 23653, Page 571 by and between Castle & Cooke, Inc., a Hawaii corporation, and Mililani Town, Inc., a Hawaii corporation (not noted on Transfer Certificate of Title No. 362,396).

4. Declaration of Covenants, Conditions and Restrictions for Mililani Town dated April 19, 1968, filed in said Office as Document No. 441561, and also recorded in said Bureau in Liber 6030, Page 37, as amended by instrument dated May 22, 1968, filed in said Office as Document No. 445150, and also recorded in said Bureau in Liber 6076, Page 100.

Declaration of Additional Property Annexed to Mililani Town and Additional and Modified Covenants dated November 27, 1990, filed in said Office as Document No. 1785205.

5. Declaration of Restrictive Covenants (Retirement Community Housing) dated November 30, 1990, filed in said Office as Document No. 1785206.

6. The restrictive covenants and agreements contained in that certain Deed dated November 30, 1990, filed as Land Court Document No. 1785207, to-wit:

"The Grantee covenants and agrees with the Grantor with respect to:

a. the covenants and agreements as set forth in Section 9 of the Unilateral Agreement (affordable housing) and 13 (archaeological sites) as may be applicable to the real property described in Exhibit "A" hereto,

b. the covenants and agreements as set forth in Sections 1, 3 and 7 of the Findings and Conclusions and the Certificate and Authorization (affordable housing, archaeological resources and providing notice to prospective occupants of possible noise, respectively) as may be applicable to the real property described in Exhibit "A" hereto (collectively the

"Grantee's Land Use Covenants"), that Grantee will assume the full and complete obligation to perform such covenants and agreements and the Grantee will indemnify and hold harmless the Grantor from any and all claims, demands, actions, liabilities or costs, including, without limitation, reasonable attorneys' fees, in connection with any breach of or non-observance of the Grantee's Land Use Covenants.

And the Grantee will indemnify and defend the State of Hawaii and the City and County of Honolulu in the event any suit is brought arising out of and resulting from inconvenience, disturbance, and/or injury due to noise and/or other military activities in the area."

7. *Mortgage and Financing Statement dated November 30, 1990, filed in said Office as Document No. 1801306, made by and between Daiichi-Four Mililani Joint Venture, a duly registered Hawaii general partnership, as Mortgagor, and Daiichi Finance Corporation, a Hawaii corporation, as Mortgagee.*

8. *Additional Security Real Property Mortgage and Financing Statement dated June 9, 1992, filed in said Office as Document No. 1921753, made by and between Daiichi-Four Mililani Joint Venture, a duly registered Hawaii general partnership, as Mortgagor, and Daiichi Finance Corporation, a Hawaii corporation, as Mortgagee.*

9. *Declaration of Restrictive Covenants (Private Park) dated September 12, 1991 and filed in said Office as Document No. 1875079.*

10. *Declaration of Restrictive Covenants (Planned Development Housing) dated March 26, 1992 and filed in said Office as Document No. 1907605.*

11. *Master Declaration for Separate Project Development and Merger dated March 26, 1992 and filed in said Office as Document No. 1907606. Said Master Declaration has been amended by First Amendment to Master Declaration for Separate Project Development and Merger dated February 11, 1994, recorded in said Office as Document No. 2118221.*

12. *Declaration of Condominium Property Regime of Olaloa - Project III dated March 26, 1992 and filed in said Office as Document No. 1907611. Said Declaration has been amended by First Amendment to Declaration of Olaloa - Project III dated November 9, 1993, recorded in said Office as Document No. 209035; Second Amendment to Declaration of Olaloa - Project III dated November 9, 1993, recorded in said Office as Document No. 209036; Third Amendment to Declaration of Olaloa - Project III dated November 24, 1993, recorded in said Office as Document No. 2094159; Fourth Amendment to Declaration of Olaloa - Project III dated April 22, 1994, recorded in said Office as Document No. 2145114; and Fifth Amendment to Declaration of Olaloa - Project III dated July 5, 1994, recorded in said Office as Document No. 2163450.*

Certificate of Withdrawal and Amendment to Declarations of Condominium Property Regime of Olaloa - Project I, Olaloa - Project II, Olaloa - Project III and Condominium Map Nos. 902, 903 and 904 dated June 27, 1994 and filed in said Office as Document No. 2164833 re withdrawal of Lot 12771-B from the condominium property regime. Said Certificate of Withdrawal was amended by instrument dated September 9, 1994, recorded in said Office as Document No. 2179986.

Certificate of Merger Merging Olaloa - Project I and Olaloa - Project II with Olaloa Project III dated December 29, 1994, filed as Land Court Document no. 2209220.

13. Bylaws of Association of Apartment Owners of Olaloa - Project III dated March 26, 1992 and filed in said Office as Document No. 1907612. Said Bylaws has been amended by First Amendment to Bylaws of Association of Apartment Owners of Olaloa - Project III dated April 22, 1994 and filed in said Office as Document No. 2145113.

14. Grant in favor of Hawaiian Electric Company, Inc. and GTE Hawaiian Telephone Company Incorporated, dated April 14, 1993, recorded as Land Court Document No. 2026039; granting a perpetual right and easement to construct, reconstruct, operate, maintain, repair and remove pull boxes, hand holes, transformer vault sites and underground power lines, etc., for the transmission and distribution of electricity.

15. Party Wall Agreement dated August 19, 1993, made by and between the Association of Apartment Owners of Olaloa - Project I, the Association of Apartment Owners of Olaloa - Project II, and the Association of Apartment Owners of Olaloa - Project III, all unincorporated associations, and Castle and Cooke Residential, Inc., a Hawaii corporation, recorded in said Office as Document No. 2059654

16. Agreement for Issuance of Conditional Use Permit Under Section 4.40-21 of the Land Use Ordinance dated May 28, 1993, filed in said Office as Document No. 2183677.

17. Encroachment and Drainage Agreement dated December 29, 1994, filed in said Office as Document No. 2208371.